



The Maine Coalition  
to End Domestic Violence

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**Testimony of Andrea Mancuso, on behalf of the Maine Coalition to End Domestic Violence  
In OPPOSITION to LD 752: “An Act to Strengthen Maine’s Child Protection Laws by Limiting  
Contact with Violent Offenders”  
Before the Joint Standing Committee on Judiciary  
Monday, March 10, 2025**

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, I am writing on behalf of the Maine Coalition to End Domestic Violence (MCEDV)<sup>1</sup> in opposition to LD 752, “An Act to Strengthen Maine’s Child Protection Laws by Limiting Contact with Violent Offenders.”

This bill would create presumptive jeopardy, for purposes of removing a child from a parent who has not actually harmed them, on the basis that the parent allowed their child to have *any contact* with a person convicted of domestic violence who has not completed a certified domestic violence intervention program or another comparable intervention, without regard to the present risk to the child. Such a structure would not improve Maine’s response to domestic abuse and violence and would, instead, create additional, foreseeable harm. MCEDV raises the following issues and questions for your consideration:

- Under this proposal, failure to conduct a background check on every person a child might spend time with would put you at risk of losing your children until you can rebut a presumption that you have created jeopardy for the child by allowing that child to have contact with someone with a history of domestic violence – even if you had no knowledge of their criminal history; even if that person’s conviction was 25 years ago.
- This proposal would prevent those who have been convicted of domestic abuse and violence, who have not completed an intervention program, from being around children – even their own children. And would require the other parent to enforce that. And yet, there is no corresponding directive to the family court that this type of hardline prohibition should be factored into parental rights and responsibilities orders. So, if a family has a parental rights and responsibilities order that allocates contact and visitation to a parent who has been convicted of domestic abuse and violence and who has not completed a certified domestic violence intervention program, because the family court

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<sup>1</sup> MCEDV serves and represents a membership of eight regional domestic violence resource centers as well as two culturally specific service providers. Our member programs provided services to more than 12,000 victims of domestic violence in Maine last year, including court advocacy services in the civil and criminal courts.

has concluded, after assessing the individualized circumstances of the family, that contact and visitation between the parent and child is in the best interest of that child, the primary custodial parent can have their child removed from their custody for *complying* with their family court order until they can get into court to rebut the presumption they've caused serious harm.

- There is no “treatment” for domestic violence. Policy makers should be clear on that, and our statutes should not suggest there is such a simple remedy. Maine law recognizes certified domestic violence intervention programs as the “most effective intervention” for people in our state who have chosen to use domestic abuse and violence. Our network believes deeply in the possibility for change that this program provides. However, this proposal assumes these programs are a cure. They are not. They are the best intervention that we have, based on the evidence available. Feedback we have gotten from survivors confirms that these programs can be very beneficial, particularly for men who complete the program, but only if they are motivated to change.<sup>2</sup> Additionally, limited data we have tends to suggest that completion of the program reduces the likelihood of recidivism, when you define recidivism as re-engagement with the criminal legal system. However, as with any intervention intended to change human behaviors and deconstruct oppressive belief systems, these programs are ineffective for those who are not motivated to change. Just because someone completed the 48-week program, does not mean there are not reasons to be concerned about the risk that person may continue to pose. Appropriate responses should center around assessment of individualized risk and not rely simply on program completion or lack thereof.
- There are people in our state, including parents who are safely and successfully parenting their children, who have been convicted of domestic abuse and violence before Maine’s certified domestic violence programs were even widely available or consistently referred to by the criminal courts.<sup>3</sup> Sometimes a court doesn’t order this program for good reasons, based on the individual facts of the case. This proposal would presume we should interfere with their rights to parent, without further assessment of the actual risk they pose to any children or adult partners.
- Consider a family where one parent assaulted another. Police are called. The person who has caused harm is arrested and takes a step toward accountability for their action by pleading guilty to assault. The sentence is suspended, and the person is ordered to attend the 48-week program as part of their probation. The economic well-being of the

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<sup>2</sup> We encourage anyone interested in learning more about Maine’s Certified Domestic Violence Intervention Programs to review the report that MCEDV, together with the Maine Department of Corrections, submitted to the Maine Legislature’s Joint Standing Committee on Criminal Justice and Public Safety in December 2020. That report can be found here: [https://www.mcedv.org/wp-content/uploads/2021/01/MCEDV\\_2020CBIPLegReport.pdf](https://www.mcedv.org/wp-content/uploads/2021/01/MCEDV_2020CBIPLegReport.pdf).

<sup>3</sup> Three of Maine’s CDVIP programs have closed in the last 18 months, leaving three counties (Lincoln, Sagadahoc, and York without programming). York County is standing up a new program, but there are no current plans for new programming in Lincoln or Sagadahoc.



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parents, and so their children, are tied to each other. This bill would require the survivor parent and the children to live separately from the offending parent for at least 48 weeks, with no contact between the offending parent and the children, or risk having the children removed by the state – regardless of the survivor parent’s perspective.

Ultimately, survivors want the person causing harm to change, and many of them believe that the person they love has the capacity to do so. They make choices about their living arrangements and relationship, balancing the possibility of their partners’ capacity to change their behavior with the risk of further harm, taking into account the broader reality of their circumstances. Our courts and systems must engage in a similar individualized evaluation.

- If you tie child removal so tightly to exposure to someone convicted of domestic violence, you will create disincentives for victims of domestic violence to call the police, to seek court ordered protection, to reach out for help from anyone who is a mandated reporter, which includes domestic violence resource center advocates. Conversely, you will create incentives for those who choose abuse and violence to manipulate survivors into situations where they can then use the survivor’s use of reactive or resistive violence to further control them.

This bill would incredibly and wrongfully exacerbate the tendency of our systems to center responsibility for changing the behavior of someone choosing to engage in abuse and violence on the person they are harming, instead of on the person doing the harm, and punish survivors of domestic violence for circumstances that are out of their control, by removing their children from their custody and putting them on a pathway to have their parental rights terminated. Policymakers could, instead, help survivors of domestic abuse and violence keep their children safe, and create homes where these children can thrive, by funding things that benefit all Mainers - greater access to appropriate, affordable child care; low barrier financial assistance; legal representation; and safe and affordable housing.

Thus far this session, this Committee has already thoughtfully supported policy initiatives that are likely to be helpful and not harmful to families in crisis. We ask you to exercise that same thoughtfulness here and vote ought not to pass. As always, thank you for the opportunity to share our perspective.

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